

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
:
v. : CRIMINAL INDICTMENT
: NO. 1:12-CR-322
SANTAS HERNANDEZ, :
Defendant. :

ORDER

Presently before the Court is the Magistrate Judge's Report and Recommendation ("R&R") recommending the following resolution of the attorney's fee dispute in this case that has arisen in conjunction with the granting retained counsel's motion to withdraw [Doc. 109]: (1) that the reasonable hourly rate for each retained counsel be set at \$126.00 per hour; (2) that a total of 16.4 hours be deemed the number of billed hours reasonably expended in representing Defendant; (3) that the total attorney's fee charges (inclusive of costs) in this case is \$2,312.08; and (4) that \$7,687.92 be refunded to Defendant in no more than two installments, the first being made within fourteen days of the Court's Order on the motion to withdraw and the final installment being made within twenty-eight days of the Court's Order. Retained counsel and Defendant (through her Court-appointed counsel) both filed objections to the R&R [Docs. 127, 129].

A district judge has broad discretion to accept, reject, or modify a magistrate judge's proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 680 (1980). If a party files objections, however, the district court must determine *de novo* any part of the Magistrate Judge's disposition that is the subject of a proper objection. 28 U.S.C. § 636(b). After a thorough *de novo* review of the record in this case and the objections asserted, the Court finds that the R&R provides a cogent and correct analysis of the fee issues in dispute. The R&R's findings and recommended resolution are both consistent with the law and scope of evidence that the Magistrate Judge properly considered in determining reasonable fees.

Accordingly, the Court **OVERRULES** the parties' various objections [Docs. 127, 129] and **ADOPTS** the Magistrate Judge's R&R [Doc. 117] and **ORDERS** retained counsel to refund attorney's fees collected from the Defendant in this case, consistent with the resolution recommended by the Magistrate Judge and referenced at the outset of this Order. The Court **GRANTS** retained counsel's motion to withdraw [Doc. 109] based on the premise of retained counsel's full compliance with this Order and their agreement to notify the Court when all fees have been reimbursed.

So **ORDERED** this 11th day of August, 2014.



Amy Totenberg
Amy Totenberg
United States District Judge